

From: Bernadette Rappold/DC/USEPA/US
Sent: 2/24/2012 1:42:40 PM
To: Caroline Ahearn/DC/USEPA/US@EPA
CC:
Subject: Re: Conference call yesterday with House and Senate staff on Region III's Dimock investigation

Nicely done, Caroline, as usual.

Thanks.

----- Original Message -----

From: Caroline Ahearn
Sent: 02/24/2012 11:29 AM EST
To: Lawrence Starfield; Steven Chester; Bernadette Rappold; Karin Leff
Cc: Mark Badalamente
Subject: Conference call yesterday with House and Senate staff on Region III's Dimock investigation

On Thursday, February 23, OECA participated in a conference call with House and Senate staff about Region III's Dimock investigation and the scope of EPA's authority under CERCLA to sample private drinking water wells. Staff from Region III, OSWER and OCIR also participated in this call. The following is a summary of our discussion.

Present:

Hill Staff:

Mark Height and Dimitri Karakitsos, Minority Staff for Senator Inhofe, Senate Environment and Public Works Committee
Jerry Couri, Majority Staff, House Energy and Commerce Committee
Shimere Williams & Jetta Wong, Minority Staff, House Science Committee
Rebecca Rosen, Senate Energy and Natural Resources Subcommittee staff
Dave Weber, Tom Cahill and Robert Savino, staff for Rep. Tom Marino (R- PA, 10th District)

Region III:

Cecil Rodrigues, Dennis Carney, Jennie Saxe

OECA:

Bernadette Rappold, Karin Leff, Caroline Ahearn

OSWER:

Randy Deitz

OCIR:

Pamela Jannifer

Summary

Region III discussed the status of EPA's well sampling in the Dimock, PA area, plans to conduct future sampling in March, and delivery of alternative water to residents. The attached fact sheets in Pamela Jannifer's email below contain detailed information about EPA's efforts.

Robert Savino (Rep. Marino) asked several questions in a hostile and combative manner disrupting most of the call. OCIR and other Hill staff present suggested that he have a separate call with EPA to discuss the fundamentals of environmental regulation. He asked about the scope of EPA's statutory authority to sample private drinking water wells. He stated that EPA is trying to advance its agenda on fracking. Region III and OSWER explained our broad authority under CERCLA to respond to releases of hazardous substances.

Jerry Couri (House Energy and Commerce Committee Majority staff) asked why EPA did not use its imminent and substantial endangerment authority under Section 1431 of the Safe Drinking Water Act to provide alternative water to residents. Region III explained that we knew that there were hazardous substances in the drinking water wells. He asked what was the Administrator's "reasonable basis" under CERCLA Section 104 (e) to collect information and sample these wells. Region III responded that the "reasonable basis" determination is based on spill reports provided by the state and Cabot Oil. and data obtained by the Region indicating that the wells contain hazardous substances. He asked if EPA is prepared to seek contribution for EPA's efforts. The Region responded that no decision has been made and we are still

evaluating this matter. Jerry also asked if we are looking at other companies in addition to Cabot and why the state isn't the lead because it's a delegated program. Karin Leff advised him that CERCLA is not delegated to the states.

Next steps: Since we ran out of time, OCIR is going to set up three separate conference calls with Hill Staff next week: (1) House Science Minority Staff; (2) Senate Environment and Public Works Committee Minority staff and Jerry Couri, House Energy and Commerce Committee Majority staff; and (3) Rep. Marino's staff.

----- Original Message -----

From: Pamela Janifer

Sent: 02/23/2012 12:18 PM EST

To: Bernadette Rappold; Caroline Ahearn; Randy Deitz; Karin Leff

Subject: Fw: FYI - desk statement and internal point-by-point response to 1-31-12 Cabot statement

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----- Forwarded by Pamela Janifer/DC/USEPA/US on 02/23/2012 12:17 PM -----

From: Jennie Saxe/R3/USEPA/US

To: Pamela Janifer/DC/USEPA/US@EPA

Date: 02/23/2012 08:07 AM

Subject: FYI - desk statement and internal point-by-point response to 1-31-12 Cabot statement

Pamela - FYI. Wanted you to have these in front of you for the call later today.

Jennie

[attachment "Response_to_Cabot_point_by_point_2-2-12.docx" deleted by Bernadette Rappold/DC/USEPA/US]

[attachment "Response_to_Cabot_Final_Desk_Statement_2-3-12.docx" deleted by Bernadette Rappold/DC/USEPA/US]

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